

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:15-cr-00068-NBB-DAS

CYRUS PHILEAK CONNER

**GOVERNMENT'S RESPONSE TO DEFENDANT'S *PRO SE* MOTION TO
TERMINATE DEFENDANT'S TERM OF SUPERVISED RELEASE**

The Defendant, CYRUS PHILEAK CONNER, motions the Court to terminate supervised release in this case. The government respectfully responds and requests the Court to deny defendant's motion, and states the following in support thereof:

1. On May 12, 2010 the defendant was indicted in case number 1:20CR025C, in the Northern District of Texas in a three count indictment. Counts One and Three were for Possession with Intent to Distribute Marijuana in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(D). Count two was for Possession of a Firearm in Furtherance of a Drug Trafficking Crime in violation of Violation of 18 U.S.C. § 924(c).
2. The defendant pled guilty to Count 1 of the indictment, Possession with Intent to Distribute Marijuana in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(D), and the court entered judgment on November 19, 2010.
3. Defendant was sentenced to sixty months imprisonment followed by a term of three years of supervised release.
4. The term of supervised release commenced on September 19, 2014.
5. On July 1, 2015 jurisdiction was transferred to the Northern District of Mississippi.

6. On October 13, 2015, after having served approximately one year of his term of supervised release, the defendant filed a *pro se* Motion for Termination of Supervised Release.
7. Defendant cites to 18 U.S.C. § 3583 which allows the court to terminate a term of supervised release if probation “is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.” “The statute directs the court to take into account a variety of considerations, including the nature of the offense and the history of the offender, as well as any implications for public safety and deterrence.” United States v. Jeanes, 150 F.3d 483, 484 (5th Cir. 1998).
8. Defendant states that he is employed by Volume Freight, Inc., and would be of much greater value to the trucking company if he was no longer on supervision, presumably because he would be able to haul freight for much longer distances and interstate.
9. The nature of the underlying offense is Possession with Intent to Distribute Marijuana. There is a significant need for deterrence in this area. Public safety weighs heavily in favor of prosecuting narcotics offenses.
10. The Court is given broad discretion to terminate a term of supervise release if it is in the “interest of justice.”
11. In this case, termination of the term of supervised release is not in the interest of justice. Defendant presumably wishes to drive over long distances and between states. The defendant’s original offense was Possession with Intent to Distribute Marijuana. Frequently, this type of offense is committed by truck drivers who travel between states. Drugs are necessarily carried over the road in order to

connect the drug suppliers with drug consumers. It is not in the interest of justice to allow someone who is convicted of Possession with Intent to Distribute Marijuana to terminate his supervision early so that he can drive long distances on behalf of a trucking company.

In regards to the *pro se* Motion for Termination of Supervised Release, the Government respectfully submits that the interest of justice weight against terminating the defendant's term of supervised release. It is in the interest of justice for the defendant to complete the final two years of his supervised release term and, therefore, the defendant's Motion for Termination of Supervised Release should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, MICHAEL HALLOCK, certify that I electronically filed the foregoing **Government's Response to Defendant's *Pro Se* Motion to Terminate Defendant's Term of Supervised Release** with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

N/A

and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participant:

Cyrus Phileak Conner, *pro se*
489 Emerald Drive
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THIS the 21st day of October, 2015.

s/Michael Hallock

MICHAEL HALLOCK
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